

BOUNDARY BETWEEN MISSOURI AND IOWA.

[To accompany bill H. R. No. 445.]

MAY 26, 1842.

Mr. G. DAVIS, from the Committee on the Territories, submitted the following

REPORT:

The Committee on Territories, to which were referred the memorials and other papers touching the disputed boundary between the State of Missouri and the Territory of Iowa, have carefully examined and considered the matters referred to therein, and report :

That the point of controversy which has been brought before Congress is, the true locality of the northern line of the State of Missouri. The boundary of this State, as described in the act by which she was admitted into the Union, and as it was afterwards embodied in her constitution, is as follows : " Beginning in the middle of the Mississippi, on the parallel of 36° of north latitude ; thence west, along that parallel of latitude, to the St. Francois river ; thence up and following the course of that river, in the middle of the main channel thereof, to the parallel of latitude of 36° 30' ; thence west, along the same, to a point where the said parallel is intersected by a meridian passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river ; thence, from the point aforesaid, north, along the said meridian line, to the intersection of the parallel of latitude passing through the rapids of the river Des Moines, making the said line to correspond with the Indian boundary line ; thence east, from the point of intersection last aforesaid, along the said parallel of latitude, to the middle of the main fork of the river Des Moines ; thence, down and along the middle of the main channel of the said river Des Moines, to the mouth of the same, where it empties into the Mississippi river ; thence, due east, to the middle of the main channel of the Mississippi ; thence, down and following the course of the Mississippi, in the middle of the main channel thereof, to the beginning." This boundary makes the figure of the State as regular as meridian lines, parallels of latitude, and the course of the different rivers upon which it is abutted, will allow ; and this considerate attention of Congress to the form of the State is maintained even to the changing of the direction of that portion of the line which passes down the Des Moines river, so as to require it, when it reaches the Mississippi, to change its direction from that point, and to run a due east course to the middle of this river. The description of the boundary throughout is remarkably exact, and there is no object, natural or artificial, introduced certainly into it, and again re-

ferred to in its further delineation, but what has its *second appearance* distinctly indicated by the term "that" or "said." These remarks may appear *particular*, but their reason and significance will be seen as this examination progresses. In the year 1808, a treaty was made between the United States Government and the Osage Indians, by which they ceded all their lands north of the Missouri river. This cession was not then surveyed, nor was the country which it comprehended designated in it, except by vague and general description. That its position and extent might be precisely known, Colonel John C. Sullivan, in the year 1816, run and demarked its boundary, under the direction of the United States Indian agent and the chiefs of the Osages. The western line, in part, was run, upon a meridian intersecting the middle of the mouth of the Kansas river, north one hundred miles, and this is the *Indian line* referred to in the boundary of Missouri. It was intended that Sullivan should then run the northern line, from the point of termination of the western one, a due east course to the river Des Moines, and thence, with that river, to where it discharges itself into the Mississippi. From some cause there was a mistake made in this line, so that, instead of running east, its true course is about $2\frac{1}{2}^{\circ}$ north of east. This error was not discovered until some years afterwards, and probably not before the admission of Missouri into the Union.

To trace the western line of Missouri to its termination, and fix the locality of the northern line, it is necessary first to identify "the rapids of the river Des Moines." The parallel of latitude passing through those rapids is made to terminate northwardly *this western line*; and the *meridian* intersecting the middle of the mouth of the Kansas river, until it strikes that parallel, *is* the western line, which is also required "*to correspond with the Indian boundary line.*" The point of intersection of the western line with this parallel of latitude is the northwest corner of the State, as established by the act authorizing her admission; and this, whether the western Indian boundary line will fall short of or transcend that intersection. "*To correspond*" does not import, absolutely and inflexibly, *complete identity*; but, like most other terms, its precise meaning is to be sought as well from the context as from its own force. In the sense in which it is here used, its exposition is "to suit," "to agree;" but it by no means follows that this *suitableness* or *agreement* is to be entire and perfect. All maps and surveys, of a regular form, have lines which *correspond* with each other. Different streets and buildings in the same city, different parallels of latitude, different meridians, and different points of the earth which are antipodes to each other, *correspond*. The extent or even nature of the *suitableness* or *agreement* which is at any time intended to be signified by it cannot be ascertained from the term of itself; because, in different positions, this would fluctuate between the most *exact identity* and a *partial and remote resemblance*. Such is the only sensible test to which every phrase and all language must be brought. The western line of the State has two descriptive features: it is to *terminate* at the point where it intersects the parallel of latitude passing through the rapids of the Des Moines river, and it is *to correspond with the Indian boundary line*. The sense is clear and palpable that this *correspondence* or *identity* between the Indian and State lines was not to continue after the latter reached that *parallel*. It was not then known but that the *Indian line* would fall short of this parallel; and suppose such had been the truth of

the case, can any one doubt that the State line, in conformity to the requirements of the law, would have continued on the same meridian until it *intersected the parallel*? Would not this have been fulfilling the sound and obvious meaning of this term, "to correspond?" As descriptive of this line, it is used in the same connexion with, and subordinate to, an established point, which might, and which in truth did, arrest the State line before it had run the full course of the Indian boundary line: the *correspondence or identity* between these two lines was obviously to continue only to *that point*, at which it was provided the State line should terminate. This construction is not only in harmony with the principle which requires every instrument so to be interpreted as to allow to all of its terms a meaning appropriate and in fulfilment of its general sense, but it likewise does not, in the least, swerve the phrase from its ordinary import. The intention of the law is explicit, and the language used is neither contradictory nor discrepant. The State line does *correspond* with the Indian boundary line, and it does run to and no further than its *intersection* with the parallel of latitude passing through the rapids of the Des Moines river.

But the principal point of difficulty is yet to be disposed of: what and where is the locality of "the rapids of the river Des Moines" named in this boundary, and which Congress recognised to be so conspicuous an object as to be suitable to fix the termination of one and the position of another line of this great State? Each other of its descriptive calls has, unquestionably, an appropriate provision and notoriety; and that fact, connected with the important character of the matter itself, would impress every person with the belief that the rapids contemplated by Congress were not a shadowy, indefinite, and insignificant object. It would be incredible that those who drafted and made this law had not referred to an object which, by its *striking character*, or its *name*, or the *certain description* which they had given of it, was impressed with ready and unquestionable identity. The general character of this object is denoted by the denomination which they applied to it. *Rapids* are formed by the descent of a river over a bed, which has a considerable fall, but not so great and abrupt as to constitute a cascade. Ripples are caused by those gradual and inconsiderable declinations in the channel which produced a fretting or roughness upon the surface of the water. Both terms present well-defined ideas; and, as the difference between them is taught almost universally by observation and experience, it is known alike to the learned and unlearned. A person who was not an actor, or who had not been present and cognizant of the *exact reference* of Congress in the introduction of "the rapids of the river Des Moines" into the boundary of the State, would naturally expect to find them in that river, because he would regard this language as a description, rather than as a name or appellation. From the phrase "the rapids," he would have no impression but that there were rapids and only *one rapids* in this stream. Missouri assumes that there are rapids in the Des Moines river, at the Great Bend, about sixty miles from its mouth, and that it was on *them* that Congress established the *parallel of latitude* which was to mark the termination of her western line, and to form the *one* on her northern border. There has been a good deal of obscurity hanging over this stream, and the number and characteristics of the points in its channel that indicate a fall; and it is only within the last two years that satisfactory and veritable informa-

tion upon those matters has been placed within the reach of all, by examinations and reports made under the direction of the Topographical bureau. In the latter part of the year 1840, Captain Guion made a reconnoissance of the Des Moines, and, in his report, he says: "The chief characteristics of this river are, a great declination in the plane of its bed, causing, in time of flood, a very swift current; unusual uniformity in the depth of water in the channel; great sinuosity of course; and a lesser amount of obstruction in the upper than in the lower parts. These obstructions consist of *slight rapids*, termed by the boatmen *riffles*, (*ripples*,) and a small number of snags and trees, which have fallen from the bank." "These *rapids* are all very short, varying from eighty to three hundred yards in length." "The removal of the projecting rocks, for a space wide enough to admit the free passage of boats, would render the channel singularly uniform in depth, and, with the destruction of the snags, logs, and a few overhanging trees, would seem to be all that should be done; for, in many of the intervals between the rapids, where the current is more gentle and the bottom fine sand, the depth of water is not greater than upon them." "But the practicability of its navigation is placed beyond a doubt by the fact that the American Fur Company have repeatedly transported their supplies to their principal depot in a steamboat of the size ordinarily used on the upper Mississippi in low water, and that a heavily laden keel boat has been taken up nearly to the mouth of the Raccoon fork." The first of these points is about one hundred miles, and the other two hundred and three miles, from the mouth of the river. Captain Guion's examination extended up two hundred and twenty miles, and in that distance he noted twelve different *rapids* or *ripples*; the first of which is about six miles below the place where the Indian line strikes the Des Moines river, and the last is near the highest point of his exploration. A parallel of latitude, passing through the lowest rapids in this stream, would intersect the "Des Moines rapids of the Mississippi." On what ground and with what propriety does Missouri contend that the *rapids* at the Great Bend are to give position to her northern line? They are not the first, by three, in ascending the river, and are not equal in fall to some half dozen others. The most extensive rapids, both in length and perpendicular fall in this river, (and they have a fall of but eighteen inches,) are at the Red rock, about one hundred and sixty miles up, and the next most considerable, are eighteen miles below, and are called the Eagle-nest rapids. At the mouth of Tohlman's creek there is also rapids that, at low water, have only twelve inches of water upon them; whilst those at the Big Bend, which are a few miles lower down, have a fall of only twelve inches, and eighteen inches of water in the channel at the lowest stages. None of these rapids, in 1820 or since, have borne the name of "the rapids of the river Des Moines;" none of them then, or at any time previous to the existence of this controversy, had *any name* whatever. It is only since Missouri set up a claim to this disputed territory, and has insisted that there were *rapids* in this river, that any map, which this committee has been able to examine, has dignified but a *single one* of the *ripples* of the Des Moines with the appellation of *rapids*, and they are those at the Red rock. Missouri herself, so late as 1831, has furnished, in the most solemn form, evidence not only of the truth of these facts, but also of her entire ignorance, at that day, of the particular topography of this river. Her Legislature in that year addressed a memorial to Congress asking the angle between the Des

Moines and the Mississippi rivers, and which had been reserved for the half-breeds of the Sac and Fox Indians, to be annexed to the State. Among other things, it sets forth: "When this State Government was formed, the whole country on the west and north was one continued wilderness, inhabited by none but savages, and but little known to the people or the Government of the United States. Its geography was unwritten, and none of our citizens possessed an accurate knowledge of its localities, except a few adventurous hunters and Indian traders." "The part of this line (western) which lies north of the Missouri river, has never been surveyed and established, and consequently its precise position and extent are unknown. It is believed, however, that it extends about one hundred miles north from the Missouri river," &c. "Your memorialists represent that the northern boundary of this State, as indicated by the act of Congress of 6th March, 1820, and adopted by our constitution, is the parallel of latitude which passes through the rapids of the river Des Moines, extending, on that line, from the northwest corner of the State, to the middle of the channel of the main fork of the said river Des Moines; thence, down along the middle of the main channel of the main fork of the said river Des Moines, to the mouth of the same, where it empties into the Mississippi river. This line is vague and indefinite. The country on the Des Moines is still unsettled, and comparatively unknown; although the flood of migration, now pouring into this State, is rapidly tending to that border. We are not informed of the exact local position of the rapids of the river Des Moines, nor whether those rapids are occasioned by a single obstruction of the stream, so as to indicate the precise position of the line, or are produced by a succession of shoals, extending, like the rapids of the Mississippi, for many miles; and if, on examination, the course of the Des Moines, like that of the Mississippi, is disturbed by different rapids, with long intervals of a smooth current between them, it may well be doubted which of the rapids shall indicate our northern boundary," &c. This memorial was adopted by the Legislature of Missouri when Miller was Governor, and when Linn, and Bates, and Boggs, and other members of the convention which framed her constitution, were in her Senate; and how can that State, in the face of this paper, claim that her northern line, which was then so indefinite, should now be *certainly* planted upon the rapids at the Great Bend of the river Des Moines.

Congress acted with singular precision and emphasis in relation to all the other lines of this State, by connecting them with striking natural objects of great notoriety and magnitude—objects appropriate to define the boundary of a member of this great confederacy. It is not "*a rapids in*," but "*the rapids of*, the river Des Moines," which was thought worthy to be associated with those other conspicuous and everlasting monuments of divisional State lines. Even conceding that these rapids were in this river, which of the *twelve* shall be *now chosen*? Both the first in ascending, and the most considerable in extent, would claim a superior consideration to those at the *Great Bend*; and the one is far to the north of any point to which Missouri has ever claimed, whilst the other is in the exact direction of the parallel of latitude passing through "*the Des Moines rapids of the Mississippi*." There are still several *other rapids* that might be placed in successful competition with those at the Great Bend; but which of the dozen should be recognised would be an inexplicable problem. The mind, however, is unconvinced, and rejects the proposi-

tion that Congress contemplated any object in *this river* on which to affix *this parallel of latitude*. It would not have been left floating vaguely and indefinitely between twelve different and distant objects, though they were *in truth* rapids. But there are *no rapids* in the Des Moines: they are all *ripples merely*, and of no greater number or magnitude than are to be found in the western rivers generally, and are quite too insignificant for any one of them to have attained to the destiny of defining a parallel of latitude for any purpose, much less the important one to which those sought have been appropriated. There are other views which strongly fortify this conclusion.

Among the petitioners of the people of Missouri, who addressed Congress that she might be admitted into the Union, were all her principal men, and those who have had the most intercourse with the contiguous tribes of Indians, and who, consequently, were most familiar with the country on the river Des Moines. Captain John Sullivan was one of them. They indicate, generally, to Congress a boundary for their future State, and they urge, both with good sense and force, its adoption by Congress, on the ground that it would "include all the country to the north and west to which the Indian title has been extinguished;" and yet the line to which Missouri now claims is considerably to the north of what then formed the Indian cession.

Again: as the line on the northern border of Missouri, upon the hypothesis assumed by her, would *intersect* the rapids named in her boundary, the almost irresistible presumption is, that those rapids would have been referred to in the description of *this line*. It would be strange indeed, if, beforehand, Congress should recognise these rapids as of such prominent consequence as to define upon them a parallel of latitude, which should arrest the course of the western line, and should then conduct the northern line along *this parallel* to the Des Moines river, and then along the middle of the main channel thereof, passing through these *same rapids*, and yet should wholly omit to mention them in the description of this line. Nor is this position weakened by the fact that the northern line would strike the river in the bend above the rapids. If *they* are the *true rapids*, both the parallel of latitude and the State line would intersect them in different directions. This circumstance would have given these rapids additional prominence, and, from its singularity, would have fixed upon them a more marked attention by Congress. In all the other lines of the State there is a purpose constantly manifested to give palpable identity to them, by connecting them with striking natural objects. It would be difficult, indeed, to believe that, impressed, as Congress must have been, with the important character of these rapids, it yet should establish this line so as to cut them in the centre, and yet make no mention of them as in any way connected with it. How easy and natural would it have been, after having proceeded with the boundary to the river Des Moines, to have added, "thence down said river, in the middle of the main channel thereof, and through the centre of the rapids aforesaid, to the mouth of the said river, where it empties into the Mississippi." These few words would have established, beyond all doubt, the locality of these rapids to be in this river. That none such are to be found in the description of the northern line is a fact which, of itself, forms a strong argument in support of the position that we must look elsewhere for this controverted object.

But though Missouri, in the memorial before referred to, presented such a solemn testimonial of her ignorance of the true position of her northern line, which she now fixes with so much pertinacity on the rapids at the Great Bend of the Des Moines, yet she herself had also, before the existence of this difficulty, given a different locality to it. That memorial was not approved by her *then* Governor, and *now* one of her Representatives in this House, the Hon. John Miller. He dissented from it in a message of considerable length, and his first objection is thus stated: "The memorial assumes, as a fact, that the portion of the western boundary line, extending from the mouth of Kansas river to the northwest corner of the State, has never been surveyed and marked. In this, I am of opinion the Legislature has labored under a misapprehension. Although there cannot be found on file in the Executive Department a return of the survey, yet I am satisfied of the fact, and I think I cannot be mistaken, that the late Col. John C. Sullivan was appointed for that purpose, and that he did run and mark *that portion* of our western boundary, as well as the *northern boundary* of the State. A further evidence that the line in question must have been run is, that the surveys of the public lands are made to close upon *this line*, in that section of the State, and are fractional thereby." The memorial was passed, the Governor's objections notwithstanding, by a vote in the Senate of nine to eight: the Governor being sustained by the votes of Senator Linn and the late Executive of that State, Lilburn W. Boggs. If Governor Miller was right in his recollection that Captain Sullivan had surveyed and marked the *western and northern lines* of the State, the presumption is, that it was after Congress passed the act for her admission, and preparatory to the action of the convention which framed her constitution, and especially to shed light upon the question of accepting the boundary which had been prescribed for her. The Governor says that the surveys of the public lands were "made to close upon *this line*," although they were rendered "fractional thereby." Such being the exact state of the case in relation to the lines of the Osage cession, which Sullivan had run in 1816, and as there were no other demarked lines in that region until many years afterwards, it results that he re-run and re-marked the Indian boundary for that of the State. Here is the evidence of the Hon. John Miller, rendered more than ten years ago, and in the most imposing form, that the State of Missouri had adopted the western and northern lines of the Indian boundary for her corresponding lines; and about their true locality there is not now, nor was there ever, any doubt. The mean distance of this northern line is about twelve miles south of the line which Missouri now sets up.

As late as the year 1836, the Legislature of Missouri organized the county of Clarke, so as to comprehend "all that territory attached to the county of Lewis, and lying within the following boundary, to wit: beginning at the northeast corner of the county of Lewis, in the Mississippi river, thence west, with the north boundary line of the county of Lewis, to the corner of sections eighteen and nineteen, on the range line between ranges nine and ten, in township sixty-three; thence north, with the range line, between ranges nine and ten, until the same strikes the north boundary line of the State; thence east, with the said north boundary line of the State, to the middle of the main channel of the Des Moines river," &c. At that day, the public lands had been, for a period of more

than five years, surveyed up to the Indian line on the south; whilst the country north of it was not only not surveyed, but the Indian title to it was still unextinguished. The surveys of the public lands had been abutted on *this line* from the river Des Moines far beyond the western boundary designated for Clarke county: so that, when the Legislature established the western line of this county on "the range line, between ranges nine and ten, until the same strikes the northern boundary line of the State, and thence east, with the said northern boundary line of the State," it gives this State line the position of the Indian line, and thus recognises them to be one and identical.

All the treaties, and all the legislation of the General Government, since Missouri has been a State, which bear on the question of the locality of her northern boundary, are in direct conflict with the line for which she now contends.

The Sac and Fox Indians had some claim to the country which the Osage tribe had ceded to the United States, as before related; and, in the year 1824, a treaty was entered into with them, by which they made cession of "all their right or claim." This treaty describes the cession as lying "between the Mississippi and Missouri rivers and a line running from the Missouri, at the entrance of the Kansas river, north one hundred miles, to the northwest corner of the State of Missouri, and from thence east to the Mississippi." The Iowa Indians, also, asserted some right to the same country; and, in the year 1825, they made a treaty with our Government, by which they "ceded all title that they had to all lands in the State of Missouri," and which were more particularly designated by precisely the same boundary as that set forth in the treaty with the Sac and Fox tribes. Both those treaties assume that the northwest corner of the State of Missouri is one hundred miles north of the mouth of the Kansas river; when, if Missouri be right in her recent pretension, this corner would be fourteen miles still further north.

In 1832, General Scott and others, on the part of the United States, negotiated a treaty with the confederated tribes of Sacs and Foxes, by which they ceded a district of country that is bounded by, beginning at the point where "their northern boundary line strikes the Mississippi; thence up said boundary line to a point fifty miles from the Mississippi, measured on said line; thence, in a right line, to the nearest point of the Red cedar of the Iowa, forty miles from the Mississippi river; thence, in a right line, to a point on the northern boundary line of the State of Missouri, fifty miles, measured on said boundary from the Mississippi river; thence, by the last-mentioned boundary, to the Mississippi river," &c. The northern boundary line of Missouri, called for in said treaty, was unquestionably meant to be placed on the Indian line, as run by Sullivan; otherwise, there would be no cession whatever of the Indian title to the slip of country between that line and the line asserted by Missouri.

In 1818, Congress passed a law for the establishment of additional land offices in the then Territory of Missouri, in which it is provided, "all the lands within the following boundaries shall form a district for the land office established by law at St. Louis: beginning on the Mississippi river, where the north line of township 34 north intersects the same; thence, up and with the Mississippi river, to the mouth of the Des Moines river, to the north Indian boundary line; thence west, with the said boundary," &c. In 1824, Congress passed another law, to form an additional land

office in the State of Missouri, which enacts "that so much of the public lands of the United States, included in the present district of St. Louis, as lies within the following boundaries, to wit: beginning on the Mississippi river between townships numbered forty-eight and forty-nine; thence, west, to the range line between ranges ten and eleven; thence, north, to the township line between the townships numbered fifty-two and fifty-three; thence, west, to the range line between ranges thirteen and fourteen; thence, north, to the northern boundary line of the State of Missouri; thence, east, with the State line, to the river Des Moines; thence, with the river Des Moines and the State line, to the river Mississippi, &c., shall be formed into a new land district, to be called the district of Salt river," &c.

The honorable John Scott was the Delegate from Missouri, when the first law passed; and on the passage of the second, he was the sole Representative from the State in this House. It will be observed that the act of 1818 made the Indian line the northern boundary of the St. Louis land district; and the whole effect of the law of 1824 was merely to strike off from *that district* a new one, which it bounded to the north by the *State line*. In the interval between the passage of the two acts of Congress, Missouri had become a State: both establish the same northern line for each district successively, which, when Missouri was a Territory, extending to the northern confines of the United States, was denominated "the north Indian boundary line;" but, as she had been admitted into the Union with a greatly restricted territory, the act of 1824 expressly recognises the *same line* "as the northern boundary line of the State."

It was the intention of Sullivan to run the northern Indian line a due east course; but, as before stated, from some cause he made a mistake, and varied it about two and one-half degrees to the north. The public lands, both in the St. Louis and the Salt river districts, were surveyed up to and bounded by this line; and the consequence was, that irregular fractions of sections were made, the whole of its length. Many years afterwards, there was a land district constituted in the present Territory of Iowa, calling for the line of the State of Missouri as its southern boundary; and in this district the surveys were also made to bind on the Indian line, as one and identical with the northern boundary of Missouri; and a similar irregularity in their figure was the consequence.

The country ceded to the United States, by the treaty made with the Sac and Fox Indians, in 1832, and which includes near one-third of the territory now in dispute, was, by an act of Congress, attached to Michigan. When Wiskonsan was constituted a Territory, her boundary was made to embrace that cession, and her jurisdiction was fully asserted over it. In 1838, Iowa was established a Territory, and the authority which had been in succession exercised by Michigan and Wiskonsan over this district of country was peaceably, and as a matter of course, transferred to and fully exercised by her. She erected her counties and enforced her laws upon it. Slavery was tolerated in Missouri, and was excluded from Iowa up to the Indian line; and, preliminary to the sales of the public lands north of it, they were advertised to be in this Territory, and then disposed of by officers appointed for districts within her limits.

Missouri herself was party to these treaties and laws of Congress and by her Representatives and Senators aided in forming them. They

and she were fully advised of their scope and purport, and, as measures of enduring interest, they were considered and adopted according to all the deliberate and solemn forms of executing the treaty-making and legislative powers of the Government; and no objection interposed by the able and faithful men who represented Missouri—no suggestion that these transactions were in any way in conflict with her rights.

The committee have examined every edition of maps, in which Missouri is laid down, that have come within their reach—the first published in 1820, and the last in 1840; and, without any exception, they represent the position of the northern boundary line of Missouri to be that of the northern Indian line surveyed by Sullivan in 1816.

This review, in the opinion of the committee, presents a mass of testimony against the pretension of Missouri which no mind, not pre-occupied, can resist. But still the problem, what object did Congress refer to under the appellation of “the rapids of the river Des Moines,” remains unsolved; and that task will now be undertaken. About three miles above the mouth of the Des Moines, there are, in the Mississippi river, rapids which extend up about fourteen miles, and have a descent, the perpendicular of which is more than twenty-four feet. They form a serious obstruction to the navigation of this river during the seasons of low water; have had great notoriety since the date of the first settlements above them, and, during the period that Louisiana was held by the French, were known by the name “les rapides de la rivière Des Moines.” At the time Missouri was admitted into the Union, they were denominated by all the French inhabitants of the country in the same terms, whilst, by the Americans, they were called “the Des Moines rapids.” Both those phrases are *names* and not *descriptions*. They were the terms by which every person who spoke of the object *designated* it; and the obvious reason of the *name* was, the proximity of the *thing* to the Des Moines river. In the same manner the rapids in the Mississippi, a few miles below the mouth of the Rock river, were called, by the French, “les rapides de la rivière de la Roche,” and by the Americans mostly, “the Rock river rapids,” though sometimes “Rock island rapids.” Neither of them could be known distinctively by the name “the rapids of the Mississippi,” and each consequently derived its appellation from the nearest, great, attractive, and permanent natural object. The Rock river rapids have pretty much the same characteristics, and about as ancient and continuous notoriety as those of the Des Moines.

Suppose Congress was now to organize a new State, and, in the description of its boundary, was to give precisely the same position and importance to “the rapids of the Rock river” as the law in relation to Missouri does to those of the river Des Moines, and, some ten or fifteen years hence, a question of identity should arise, and a dozen ordinary ripples should be found at distant intervals in the Rock river, what mind would doubt that “the rapids of the Rock river,” in the Mississippi, although they are often called the “Rock island rapids,” were in truth the object designated? As early as 1799, the French Governor-general granted to Lewis Honore a tract of land to adjoin “aux rapide de la rivière Des Moines;” and the validity of this grant, upon this descriptive call, has been affirmed by Congress within the last few years. Whilst the numerous French inhabitants of the country still adhered to every word of the

name in thier language of those rapids, it is a reasonable presumption that the Americans, upon the transfer of the country, rendered it literally into their tongue; and that, from the length of the name, for convenience, in the course of time, it was abbreviated into "the Des Moines rapids." Whether this transmutation had been perfected, or was still in progress, when Missouri became a State, is not certain. The upper *rapids* retained longer, as they still partially do, the name "the rapids of the Rock river," because "rock," as an *only* adjunct to rapids, would not particularize such an object with the same certainty as is produced by "the Des Moines." Now, is it not wholly incredible that Congress would have left the Des Moines rapids of the Mississippi, which were just without the boundary that the people of Missouri themselves had suggested for their proposed State, and immediately within the line of the Indian cession, which latter fact they had presented as a strong consideration to fix it where they desired, and should go forth into an unknown and unbroken forest, inhabited by and belonging to the savage, and on some one of twelve *ripples*, occupying in separate and distinct positions two hundred miles of the course of the Des Moines river, locate a parallel of latitude which was to form not only the northern boundary line of such a State as Missouri, but was also to say to the western line, "thus far thou comest, but no further," and yet give no *clue* to the *ripple* that was so signalized? The thing is incredible. No: it was "the Des Moines rapids," in the great "father of waters," that Congress adopted and set forth as one of the most prominent *monuments* in all the boundary of Missouri.

These rapids are in length upwards of fourteen miles, and the parallel of latitude ought to intersect them in their centre. When a line calls for several objects as a bearing point or corner, the medium point between them is the true position; so, when the object is a unit, but large, the line is to be placed upon its centre. This parallel, cutting these rapids in the middle, is between the Des Moines river and the point where that parallel is intersected by the meridian passing through the middle of the mouth of the Kansas river, to constitute the northern boundary line of Missouri. That point of intersection is the northwest corner of the State; and it is a reasonable inference that the cause why the line of Missouri, running east from this corner, was not also required to *correspond* with the Indian boundary line is, because it was known that a parallel of latitude intersecting these rapids would occupy a different position to the Indian line; or that point was in doubt and uncertainty, from the rapids being about twenty miles east of the termination both of the Indian and State lines upon the river Des Moines. The explanation of the fact that the Indian line was early, and so uniformly, until a recent period, adopted as the State line, doubtless is, that it was understood and believed that they were nearly identical at one end, and were only a few miles apart at the other.

Your committee are aware that the question which they have examined, so far as the rights of Missouri are involved, is peculiarly for the judgment of the courts; but the authorities, both of the State and the Territory, have repeatedly referred it to Congress and besought its decision. The action of the National Legislature cannot conclude Missouri, but it will be binding on Iowa, though it should concede something of her rights to her adversary in this controversy. Wherefore, in consideration of the recognition of the Indian line as the State line, in so many Territorial regula-

tions by Missouri and the General Government, and of the many and serious difficulties that would result from the establishment now of the true line, the committee recommend to Congress to adopt and confirm the northern Indian boundary line aforesaid, as the divisional line between the Territory of Iowa and the State of Missouri. To effect that object, your committee ask leave to report, also, the accompanying bill.